

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

October 28, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Hawaii

Corrective Action Regarding Trespass on Unencumbered Lands Adjacent to
Malama Solomon's Property and Damage to Archaeological Features; Kohanaiki,
North Kona, Hawaii, Tax Map Key: 3rd/ 7-3-06:02 and 7-3-06: Kaukahoku Road

PURPOSE:

Require restoration of archaeological sites damaged on State unencumbered lands located
in Kohanaiki, North Kona, Hawaii.

LEGAL REFERENCE:

Sections 171-6, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kohanaiki situated at Kohanaiki, North Kona, Hawaii,
identified by Tax Map Key: 3rd/ 7-3-06:02 and 7-3-06: Kaukahoku Road, as shown on
the attached map labeled Exhibit A.

AREA:

Parcel area of TMK: 3rd/ 7-3-06:02 is 11.94 acres, more or less.

ZONING:

State Land Use District:	Agriculture
County of Hawaii CZO:	A-20a

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered.

BACKGROUND:

Senator Malama Solomon is the owner (or co-owner) of two parcels of land in Kohanaiki, North Kona, Hawaii, designated as TMK: 3rd/ 7-3-06:24 & 26 (Solomon Parcels). Senator Solomon worked with the United States Department of Agriculture, Natural Resource Conservation Service and the Kona Soil and Water Conservation District on a conservation plan for putting her property into productive agricultural use. In or about August 2011, Senator Solomon hired a bulldozer operator to grub the Solomon Parcels.

The bulldozer accessed the Solomon Parcels by crossing the subject unencumbered State land designated as TMK: 3rd/ 7-3-06:02 (Parcel 2) and 7-3-06: Kauahoku Road.¹ Under Hawaii Administrative Rules (HAR) Sections 13-221-5 and 13-221-26, a permit is required to operate a motor vehicle on unencumbered State lands where there is no existing track or driveway to accommodate it. In this case, the bulldozer crossed vegetated portions of Parcel 2 and Kauahoku Road, without a permit, to reach the Solomon Parcels.

The grubbing of the Solomon Parcels triggered a complaint from a resident of the area on or about August 30, 2011 who expressed concern that the bulldozer was damaging archaeological sites adjacent to the Solomon Parcels, particularly a historic trail or path. A series of site inspections followed: (i) on or about August 31, 2011, staff from the Na Ala Hele program within DLNR's Division of Forestry and Wildlife visited the site; (ii) on September 7, 2011, DLNR State Historic Preservation Division (SHPD) staff conducted a field inspection of the Solomon Parcels, Parcel 2 and Kauahoku Road; (iii) on September 9, 2011, DLNR Deputy Director Guy Kaulukukui visited the Solomon Parcels and the State lands.

As a result of the inspections, SHPD determined that the bulldozer damaged a number of archaeological features on the Solomon Parcels and the State lands. SHPD prepared a

¹ Kauahoku Road is an abandoned and overgrown cart path with dry-stack rock boundary walls. Records show that it was laid out or built as of 1889, and was likely used as a mauka-makai transit route for carts and livestock. As such, it is likely a "public trail" as defined in HRS 264-1(b) and under the jurisdiction of the Board of Land and Natural Resources.

preliminary report of its findings dated September 9, 2011.²

In a letter dated September 15, 2011, Deputy Director Kaulukukui set forth the corrective action required of Senator Solomon to restore the archaeological features on State lands that were damaged. Senator Solomon is required to submit a treatment plan for the restoration prior to commencing any work. The letter also reminds Senator Solomon that she needs prior DLNR approval if the removal of the bulldozer will require transit across State lands. A copy of Deputy Director Kaulukukui's letter is attached as Exhibit B.³

In a letter dated September 30, 2011, SHPD Administrator Pua Aiu wrote to Senator Solomon detailing the violations of HRS Chapter 6E and the corrective action required. A copy of Administrator Aiu's letter is attached as Exhibit C.

ENVIRONMENTAL AND CULTURAL IMPACTS:

Bulldozing an access route over unencumbered land is a use of State lands that has no exemption under Land Division's Exemption List. Accordingly, if the access route were a legitimate State project, staff believes that an environmental assessment would have to be conducted and a Finding of No Significant Impact obtained. The EA process would likely have identified the archaeological sites and avoided the results that occurred in this case.

DISCUSSION:

The 2008 Legislature amended Hawaii Revised Statutes (HRS) Section 171-6 to augment DLNR's enforcement powers for natural resource violations. DLNR sought this amendment in response to an increased incidence of such violations. DLNR explained to the Legislature that these violations were causing a considerable strain on the DLNR's ability to fulfill its public trust obligation to protect State resources. Examples of violations included the operation of unpermitted surf schools and other unauthorized commercial activities on public beaches, operation of all-terrain vehicles on unencumbered or other restricted public lands, damage to archeological, historical, or geologic features, and destruction, defacing, or removal of natural features or natural resources on public lands.

² SHPD's final report issued on September 21, 2011. The damaged archaeological features include Kaukahoku Road, a stone wall enclosure, two agricultural mounds, and a stone boundary wall between Parcel 2 and the parcel immediately mauka. See Exhibits B and C for details.

³ By letter dated October 7, 2011, Senator Solomon requested authorization to remove the bulldozer prior to the Board meeting of October 28, 2011. As of the date of the drafting of this submittal (October 10, 2011), the Chairperson was evaluating whether to issue a limited right-of-entry for this purpose pursuant to the authority the delegated to him at the Board's meeting of September 28, 2001, Item D-4. On October 10, 2011, SHPD approved a monitoring plan submitted by Senator Solomon for the removal of the bulldozer.

HRS Section 171-6 now provides in part as follows:

Section 171-6 Powers. Except as otherwise provided by law, the board of land and natural resources shall have the powers and functions granted to the heads of departments and the board of land and natural resources under chapter 26. In addition to the foregoing, the board may:...

(15) Set, charge, and collect reasonable fines for violation of this chapter or any rule adopted thereunder. Any person engaging in any prohibited use of public lands or conducting any prohibited activity on public lands, or violating any of the other provisions of this chapter or any rule adopted thereunder, for which violation a penalty is not otherwise provided, shall be:

- (A) Fined not more than \$5,000 per violation for a first violation or a violation beyond five years of the last violation, provided that, after written or verbal notification from the department, an additional \$1,000 per day per violation may be assessed for each day in which the violation persists;
- (B) Fined not more than \$10,000 per violation for a second violation within five years of the last violation, provided that, after written or verbal notification from the department, an additional \$2,000 per day per violation may be assessed for each day in which the violation persists;
- (C) Fined not more than \$20,000 per violation for a third or subsequent violation within five years of the last violation, provided that, after written or verbal notification from the department, an additional \$4,000 per day per violation may be assessed for each day in which the violation persists; and
- (D) Liable for administrative costs and expenses incurred by the department and for payment for damages, including but not limited to natural resource damages.

In addition to the fines, administrative costs, and damages provided for hereinabove, for damage to or theft of natural resources, the board may also set, charge, and collect a fine that, in its discretion, is appropriate considering the value of the natural resource that is damaged or the subject of the theft. In arriving at an appropriate fine, the board may consider the market value of the natural resource damaged or taken and any other factor it deems appropriate, such as the loss of the natural resource to its natural habitat and environment and the cost of restoration or replacement. The remedies provided for in this paragraph are cumulative and in addition to any other remedies allowed by law.

No person shall be sanctioned pursuant to this section for the exercise of native Hawaiian gathering rights and traditional cultural practices as authorized by law or as permitted by the department pursuant to article XII, section 7, of the Hawaii state constitution.

In this case, operating the bulldozer on State lands resulted in two violations under HAR:

Section 13-221-26 Motor Vehicles. (a) No person shall drive a motor

vehicle on the premises except on roads, trails, or tracks designated or provided for vehicular use....

Section 13-221-12. Archaeological and historical features. No person shall appropriate, damage, remove, excavate, disfigure, deface or destroy objects of antiquity, prehistoric ruins, and monuments within the premises....⁴

In light of these violations, the Board clearly has authority to impose a fine in this case. However, there are a number of mitigating factors including Senator Solomon's cessation of bulldozing on State land after being contacted by SHPD, her cooperation with DLNR's inspections of both the Solomon Parcels and the State lands, and her apparent commitment to prepare a treatment plan for the restoration of the archaeological sites that were damaged and complete the restoration of the sites to the satisfaction of SHPD and at her expense. Land Division defers to SHPD on the corrective action required of Senator Solomon to repair the archaeological features on Parcel 2 and Kaukahoku Road, and is not recommending a fine, damages or costs for the HAR Unencumbered Public Land violations at this time.⁵

Staff is including a recommendation below that the Board reserve the right to impose a fine if the archaeological features are not restored to SHPD's satisfaction within six months. If more time is needed, staff is including a recommendation that the Chairperson be delegated authority to allow an extension of not more than 60 days for good cause shown.

RECOMMENDATION: That the Board

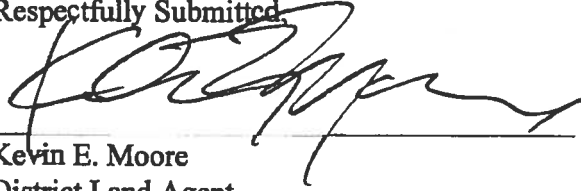
1. Require Senator Malama Solomon to comply with the corrective action for the restoration of the archaeological sites on Parcel 2 and Kaukahoku Road as set forth in SHPD Administrator Pua Aiu's memorandum of September 30, 2011 within six (6) months of the date of the Board's action and at her expense. For good cause shown, the Chairperson may extend the deadline for completing

⁴ These are in addition to the violations of HRS Chapter 6E noted in Administrator Aiu's letter. A copy of HRS Section 6E-11, titled "Civil and administrative violations," is attached as Exhibit D.

⁵ Senator Solomon will need to request a separate right-of-entry from the Chairperson when she is ready to enter Parcel 2 and Kaukahoku Road to restore the archaeological features.

repairs by not more than sixty (60) days. The Board reserves the right to impose a fine if the corrective action is not timely completed to the satisfaction of SHPD.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Kevin E. Moore', written over a horizontal line.

Kevin E. Moore
District Land Agent

APPROVED FOR SUBMITTAL:

A handwritten signature in black ink, appearing to read 'William J. Aila, Jr.', written over a horizontal line.
William J. Aila, Jr., Chairperson

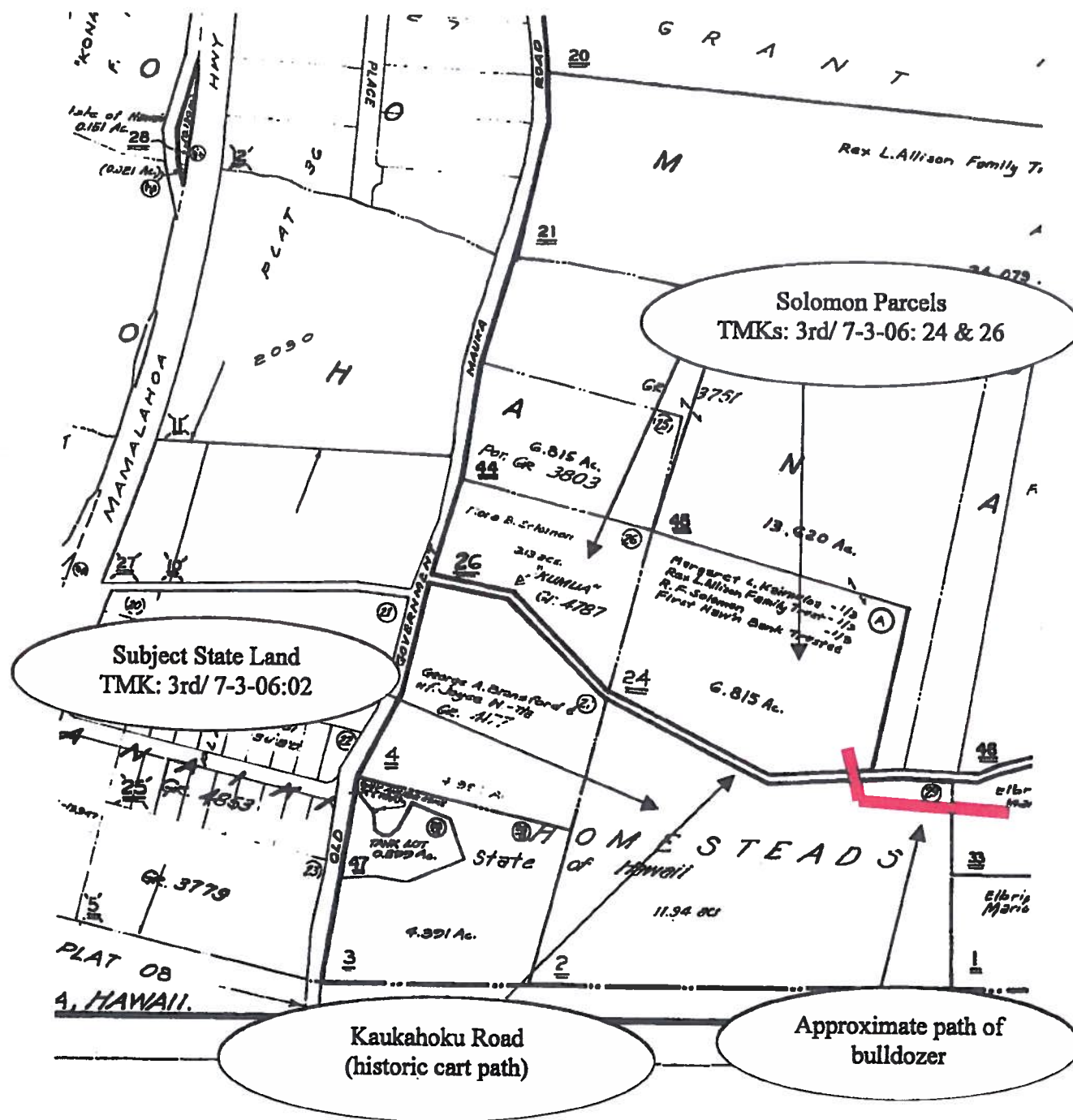


EXHIBIT A

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 15, 2011

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCES MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCES MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
SHOULDERED

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Senator Malama Solomon
State Capitol, Room 207
415 S. Beretania Street
Honolulu, Hawaii 96813

Dear Senator Solomon:

Mahalo for providing me the opportunity to review damages caused to certain historic features on your property in the Kohanaiki Ahupua'a, of the North Kona District on Hawaii Island (TMK: (3) 7-3-006:026), as well as on adjacent State lands. As reported by you, the damages were caused by a bulldozer employed to clear the subject parcel under a Natural Resource Conservation Services (NRCS) conservation plan. A preliminary report by Michael Vitousek (State Historic Preservation Division archaeologist), dated September 9, 2012, noted that two historic features on your property previously marked by you for preservation (sites 28372, 28379) had been impacted. Specifically, damage was noted to the rock wall of the cart path along portions of your south boundary and the makai habitation complex. An additional five historic features on adjacent State land was similarly impacted. My inspection of the property verified the preliminary report.

The Department of Land and Natural Resources (DLNR) notes that you no longer intend to preserve the mauka habitation complex, and requests that you undertake archaeological data recovery of that site before it is destroyed. We appreciate your continued interest in preserving the heiau (site 27372) on your property and your cooperation in restoring the portions of the cart path rock wall along your south boundary that has been impacted by the bulldozing. Additionally, the DLNR requires that you re-construct the cart path wall at the place the bulldozer crossed from State land to your property (see No. 1 on Figure 1) as well as the interior rock wall (see No. 2) and two rock mounds (see No. 3 and 4). The mauka interior rock wall (see No. 5) appears to have been previously impacted and does not need to be reconstructed. The DLNR requests that you submit for our approval a treatment plan that addresses restoration to the rock cart path wall along your boundary as well as the four impacts noted on State land. The treatment plan should note when you intend to commence and complete the restorative work. Please note that the work on the impacts on State land should be accomplished after the bulldozer has been removed from the property.

EXHIBIT B

Senator Malama Solomon
September 15, 2011
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Additionally, the DLNR reminds you that access through State land requires advanced approval. Please submit a request for a Limited Right of Entry from our Land Division agent in Hilo prior to accessing State land in order to remove the bulldozer. We further ask that the bulldozer be removed along the same course used to access your property in order to minimize additional damage.

Please feel free to contact me at 587-0402 if you have any questions.

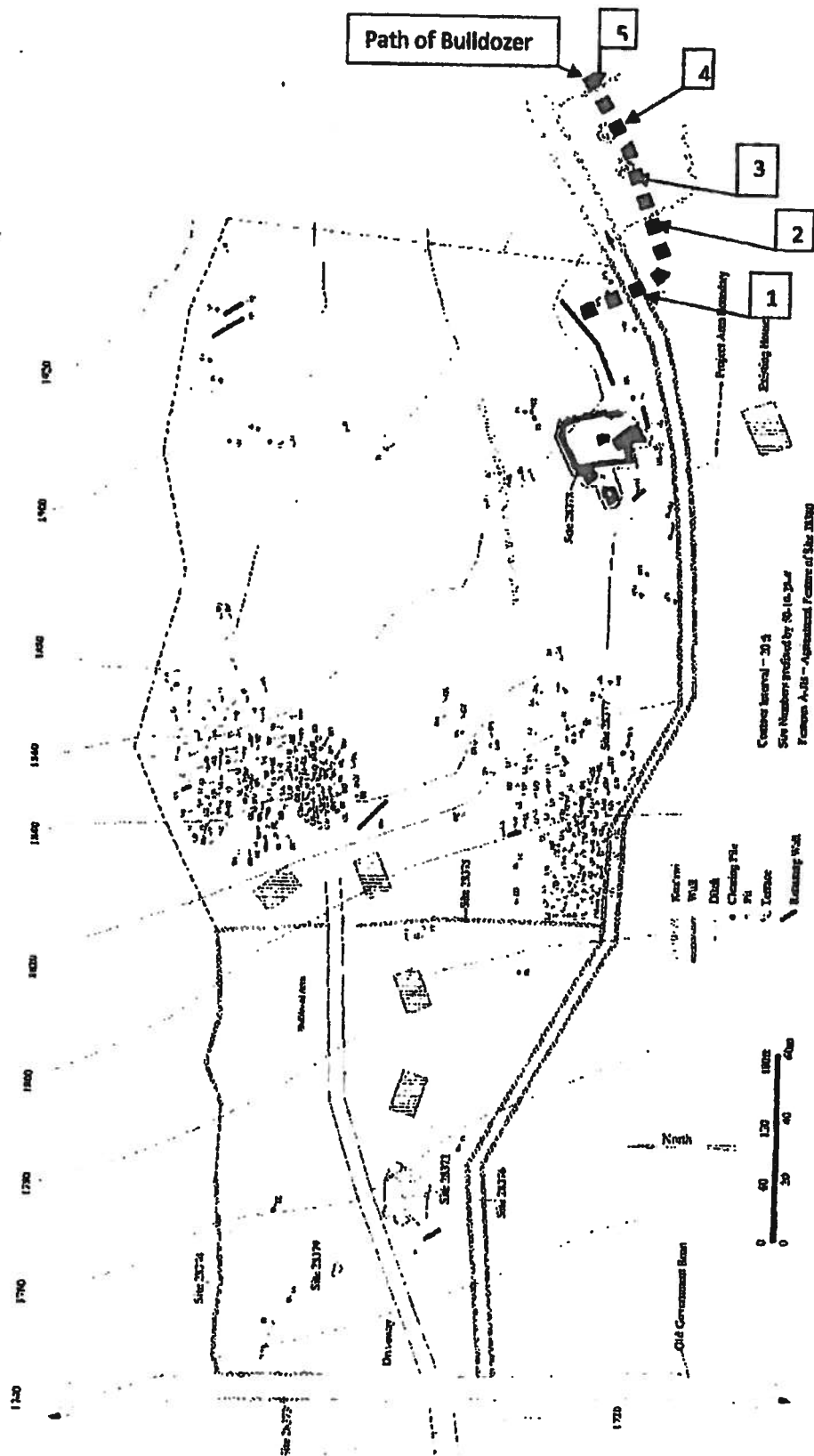
Sincerely,

A handwritten signature in black ink, appearing to read "Guy H. Kaulukukui".

GUY H. KAULUKUKUI, PH.D.
Deputy Director

Enclosure: Figure 1

Figure 1. Map of Historic Sites on State land within the Path of the Bulldozer, Map is not drawn to scale. Potential violations are numerated 1 through 5 and subsequently shown in greater detail.



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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

WILLIAM J. AILA, JR.
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HISTORIC PRESERVATION
MARSHLANDS AND RESERVE COMMISSION
LAND
STATE PARKS

September 30, 2011

Log No. 2011.2601
Doc No. 1109MV21

MEMORANDUM

TO: Senator Malama Solomon
State Capitol, Room 207
415 S. Beretania Street
Honolulu, HI 96813

FROM: Pua Aiu, Administrator, State Historic Preservation Division

SUBJECT: Chapter 6E-11 Violations -
Unauthorized Impacts to Historic Properties by Bulldozing Activities.
Kohalaiki Ahupua'a, North Kona District, Island of Hawaii
TMK (3) 7-3-006:026, :024 & :006

Background

On Thursday, August 18, 2011 Natural Resource Conservation Service staff contacted Theresa Donham, the lead archaeologist for the Hawaii Island Section of the State Historic Preservation Division (SHPD) and informed her of bulldozing activities on your property. Subsequently, on September 1, 2011 SHPD received an additional complaint that a historic trail was being impacted by land clearing activities on your property. SHPD also received complaints from an additional source that you had brought the bulldozer into your property through a neighboring parcel of vacant state land [TMK # (3)-7-3-006:006], and in the process had impacted historic sites on State land.

On September 7, 2011 SHPD staff archaeologist Michael Vitousek conducted a site visit to determine the accuracy of these complaints. The results of this field visit are presented in a report that was finalized on September 21, 2011. This report indicates that seven separate violations of HRS § 6E-11 occurred. Concurrently, the Deputy Director of the DLNR, Mr. Guy Kaulukukui conducted his own investigation into the apparent violations. On September 9, 2011 Mr. Kaulukukui conducted a field visit to the subject properties. In a letter to you dated September 15, 2011 Mr. Kaulukukui confirmed that seven violations of HRS § 6E-11 had occurred.

Violations

HRS § 6E-11(a) applies to the destruction of historic properties on state land, "whereby it shall be unlawful for any person, natural or corporate, to take, appropriate, excavate, injure, destroy, or alter any historic property or aviation artifact located upon lands owned or controlled by the State or any of its political subdivisions except as permitted by the department." Additionally, HRS § 6E-11 (c) applies to the destruction of historic sites on your property that were determined for preservation by the Haun (2010) AIS, whereby "it shall be unlawful for any person, natural or corporate, to take, appropriate, excavate, injure, destroy, or alter any historic property or burial site during the course of land development or land alteration activities to which section 6E-42 applies without obtaining the required approval." Deputy Director Kaulukukui has determined the following violations occurred:

1. HRS § 6E-11(a) Violation #1: Destruction of SIHP Site 28379
2. HRS § 6E-11(a) Violation #2: Impact to Large Enclosure on State land
3. HRS § 6E-11(a) Violation #3: Impact to Agricultural Mound on State Land
4. HRS § 6E-11(a) Violation #4: Impact to Agricultural Mound on State Land

EXHIBIT C

5. Apparent HRS § 6E-11(a) Violation #5: Impact to Possible Historic Boundary Wall
6. Apparent HRS § 6E-11(c) Violation #6: Destruction of SIHP Site 28379
7. Apparent HRS § 6E-11(c) Violation #7: Alteration of SIHP Site 28376

Corrective Action

Deputy Director Kaulukukui's September 15, 2011 letter also outlines corrective action measures that must be completed in order to mitigate the adverse effects this project has had on historic properties. According to that letter, "the DLNR requires that you re-construct the cart path wall at the place the bulldozer crossed from state land into your property (See. No. 1) as well as the interior rock wall (see No. 2) and two rock mounds (see No. 3 and 4). The mauka interior rock wall (see No. 5) appears to have been previously impacted and does not need to be reconstructed."

Violations 1 through 4: These violations will require the preparation of a Preservation/Restoration Plan pursuant to HAR 13-277. The restoration plan should be submitted to SHPD for review and acceptance prior to the commencement of restoration activities, and prior to the commencement of project activities. The plan should identify restoration and possibly reconstruction as the form of preservation that will be implemented. The plan should describe the current condition of the sites, explain what areas will be altered and how, where the material will come from and who will do the work. An archaeological monitor may be necessary during reconstruction activities.

Violation 5: This violation will require no corrective action.

Violation 6: SIHP Site 28376 was a habitation site that was marked for preservation by the Haun (2010) AIS. The surface components of this site were entirely destroyed by grubbing activities. The nature of grubbing provides that vegetation is removed but the topsoil is left relatively intact. Therefore it is possible that subsurface archaeological deposits are present in the soil in the former location of this site. In order to mitigate the destruction of this site SHPD recommends that Data Recovery excavations are carried out in the former location of SIHP Site 28376. Prior to the commencement of the excavations, SHPD requests the opportunity to review and accept a Data Recovery Plan pursuant to HAR 13-278-3. Subsequently, a report detailing the findings of these excavations should be presented to SHPD for review and acceptance pursuant to HAR 13-278-4.

Violation 7: This violation will also require the preparation of a Preservation/Restoration Plan pursuant to HAR 13-277. The restoration plan should be submitted to SHPD for review and acceptance prior to the commencement of restoration activities, and prior to the commencement of project activities. The plan should identify restoration, reconstruction, and conservation as the forms of preservation that will be implemented. The plan should describe the current condition of SIHP Site 28376, explain what areas will be altered and how, where the material will come from and who will do the work. An archaeological monitor may be necessary during reconstruction activities. The plan should also describe the buffer zones, interim protection measures and long term protection measures that will be maintained for this site.

Additional Historic Preservation Requirements

The letter from Deputy Director Kaulukukui indicates that you no longer intend to preserve the mauka habitation complex on your property (SIHP Site 27378). In order to destroy this site, which has been assessed as significant under the State Register of Historic Places criterion D for the information that it contains, it must first undergo a Data Recovery program. Prior to the commencement of the excavations, SHPD requests the opportunity to review and accept a Data Recovery Plan pursuant to HAR 13-278-3. Subsequently, a report detailing the findings of these excavations should be presented to SHPD for review and acceptance pursuant to HAR 13-278-4.

Deputy Director Kaulukukui's letter also indicates that you still intend to preserve the heiau (SIHP Site 28372). As indicated in the SHPD correspondence that accepted the AIS for your property (*Log No. 2010.1095, Doc No. 1008TD20*), a preservation plan for this site is needed prior to the commencement of project activities pursuant to HAR 13-277. The plan should be submitted to SHPD for review and acceptance prior to the commencement of site project activities. The plan should identify avoidance and protection (conservation) as the form of preservation that

will be implemented. The plan should describe the current condition of Site 28372, proposed buffer zones, interim protection measures and long term protection measures. Because this heiau has been assessed as significant under the State Register of Historic Places criterion E for its cultural value to Native Hawaiians, consultation with members of the native Hawaiian community must be included in the plan pursuant to HAR 13-277-5 (4).

Deputy Director Kaulukuku also indicated that you must take the bulldozer off your property through state land, and recommended that you use the same path already used so as to avoid further destruction of historic sites. SHPD recommends that an archaeological monitor be used to ensure that additional sites are not destroyed when the bulldozer is removed from your property. SHPD requests that an archaeological monitoring plan be developed, and approved by SHPD before the bulldozer accesses state land. We also request that an archaeological monitor be on site when the bulldozer actually exists the property. Please include the proposed bulldozer path in your monitoring plan. Crossing state land and repair work will require a Right of Entry permit from the Land Board.

To eliminate redundancy, all preservation/restoration and data recovery plans may be presented in a single "Corrective Action Plan" document. This document must be reviewed and accepted by SHPD prior to the commencement of any further project activities on this site.

Please contact me at (808) 692-8040 if you have any questions or concerns regarding this memo.

§6E-11 Civil and administrative violations. (a) It shall be a civil and administrative violation for any person to take, appropriate, excavate, injure, destroy, or alter any historic property or aviation artifact located upon the private lands of any owner thereof without the owner's written permission being first obtained. It shall be a civil and administrative violation for any person to take, appropriate, excavate, injure, destroy, or alter any historic property or aviation artifact located upon lands owned or controlled by the State or any of its political subdivisions, except as permitted by the department, or to knowingly violate the conditions set forth in an approved mitigation plan that includes monitoring and preservation plans.

(b) It shall be a civil and administrative violation for any person to knowingly take, appropriate, excavate, injure, destroy, or alter any burial site, or the contents thereof, located on private lands or lands owned or controlled by the State or any of its political subdivisions, except as permitted by the department, to knowingly fail to re-inter human remains discovered on the lands in a reasonable period of time as determined by the department, or to knowingly violate the conditions set forth in an approved mitigation plan that includes monitoring and preservation plans.

(c) It shall be a civil and administrative violation for any person to take, appropriate, excavate, injure, destroy, or alter any historic property or burial site during the course of land development or land alteration activities to which section 6E-42 applies, without obtaining the required approval.

(d) It shall be a civil and administrative violation for any person who inadvertently discovers a burial site to fail to stop work in the immediate area and report the discovery, as required by section 6E-43.6.

(e) It shall be a civil and administrative violation for any person to knowingly glue together any human skeletal remains, label any human skeletal remains with any type of marking pen, or conduct any tests that destroy human skeletal remains, as defined in section 6E-2, except as permitted by the department.

(f) Any person who violates this section shall be fined not more than \$10,000 for each separate violation. If the violator directly or indirectly has caused the loss of, or damage to, any historic property or burial site, the violator shall be fined an additional amount determined by the court or an administrative adjudicative authority to be equivalent to the value of the lost or damaged historic property or burial site. Each day of continued violation of this provision shall constitute a distinct and separate violation for which the violator may be punished. Equipment used by a violator for the taking, appropriation, excavation, injury, destruction, or alteration of any historic property or burial site, or for the transportation of the violator to or from the historic property or burial site, shall be subject to seizure and disposition by the State without compensation to its owner or owners.

(g) Any person who knowingly violates this chapter with respect

EXHIBIT D

to burial sites shall also be prohibited from participating in the construction of any state or county funded project for ten years.

(h) Nothing in this section shall apply to land altering activities relating to family burial plots under section 441-5.5.

(i) The civil and administrative penalties imposed pursuant to this chapter shall be in addition to the criminal penalties provided by this chapter and any other penalties that may be imposed pursuant to law. [L 1976, c 104, pt of §2; gen ch 1985; am L 1990, c 306, §8; am L 1992, c 113, §3; am L 1996, c 97, §8; am L 2003, c 104, §3; am L 2005, c 128, §3; am L 2006, c 38, §1 and c 45, §2; am L 2007, c 9, §1]

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